



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

March 27, 1996

Ms. Judith Doran  
Texas Parks and Wildlife Department  
4200 Smith School Road  
Austin, Texas 78744

OR96-0426

Dear Ms. Doran:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 39271.

The Texas Parks and Wildlife Department (the "department") received a request for information seeking "copies of all boating accident reports" which occurred on Lake Lewisville from January 1, 1993 through December 31, 1995. You claim that the requested information is excepted from required public disclosure pursuant to section 552.101 of the Open Records Act. You have submitted to this office a representative sample of the requested documents for our review.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information protected by other statutes. You assert that section 31.105 of the Parks and Wildlife Code make boating accident reports filed with the department confidential.

Section 31.105 states that

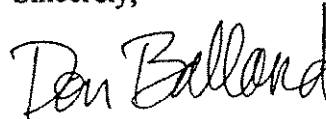
(a) the operator of a vessel involved in a collision, accident, or other casualty that results in death or injury to a person or damage to property in excess of \$500 shall file with the department on or before the expiration of 30 days after the incident a full description of the collision, accident, or casualty in accordance with regulations established by the department.

(b) the accident reports are *confidential* and are inadmissible in court as evidence.

Parks and Wildlife Code § 31.105 (emphasis added). We conclude that the accident reports filed with the department pursuant to section 31.105 of the Parks and Wildlife Code are excepted from required public disclosure. After reviewing the submitted document, we also conclude that it was filed in accordance with the Parks and Wildlife Code § 31.105 and must be withheld.<sup>1</sup>

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Don Ballard  
Assistant Attorney General  
Open Records Division

JDB/ch

Ref.: ID# 39271

Enclosures: Submitted documents

cc: Mr. R.W. Godbey  
R.W. Godbey and Associates  
P.O. Box 136244  
Fort Worth, Texas 76136  
(w/o enclosures)

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<sup>1</sup> Section 31.105, however, does not make confidential accident reports which do not involve personal injury or death or that only involve property damage less than \$500.